

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

THAT said base bid of Schwarzer-Barron Co., Inc., in the amount of \$145,594.00, on general construction of the Municipal Building, be and the same is hereby accepted, subject to the approval of the Federal Emergency Administration of Public Works, and the City Manager in behalf of the City of Austin is authorized and instructed to enter into a contract with the said firm of Schwarzer-Barron Co., Inc., subject to the approval of the Federal Emergency Administration of Public Works.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Upon motion, duly seconded and carried, the meeting was recessed, subject to the call of the Mayor.

Approved:

Tom Miller
Mayor

Attest:

Hallie McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 24, 1937.

The meeting was called to order at 10:40 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, G. M. Bartholomew, Simon Gillis, Mayor Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The Minutes of the regular meeting of November 18, and the special meetings of November 19 and November 22 were read, and upon motion of Councilman Alford, seconded by Councilman Gillis, were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report of the Board of Adjustment was received:

"November 24, 1937.

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on November 23, 1937, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of

Section 30 of the Zoning Ordinance, of the City of Austin, has referred to the Board of Adjustment for its consideration, a petition of Mr. W. R. Smith for a change in the Use designation of his property located adjacent to the Nurses' Home and across the street from the City Hospital, being designated as the west 10' of Lot 6 and all of Lot 7, Block 166, of the City of Austin, from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment at a meeting held on November 23, 1937, carefully considered the changing of the Use designation of this property, and has viewed the premises and carefully studied the conditions and development surrounding same and considered this change from all points of view from sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT since changing the Use designation of the single lot applied for would constitute "spot" zoning which is contrary to the intent and purpose of the Ordinance and has been held illegal by the higher courts of the country, the Board recommends that this change be extended to include all of the property fronting on East 14th Street, Sabine Street and East 15th Street adjacent to the City Hospital and being more particularly described as Lots 7 and 8, Block 166; Lots 5 and 6, Block 165; Original Lots 3, 4, 5 and 6, Block 167; Lots 4, 5 and 6, Block 67; and Original Lots 4 and 5, and (B) of 6, Block 68; all of the Original City of Austin, Travis County, Texas, for the following reasons:

1. That this property partakes of a like character as all of it fronts toward the City Hospital and should be zoned alike.
2. That owing to its location it is not best fitted for residential property.
3. That there now exist three non-conforming uses on Sabine Street directly in front of the Negro section of the Hospital which would become conforming by this change.
4. That there is already a business zone at the corner of East 15th Street and East Avenue which was recently extended by the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman

It was moved by Councilman Wolf that a public hearing on the proposal of the City Council to amend the Zoning Ordinance so as to change the Use designation of the property recommended in the foregoing report of the Board of Adjustment be called for December 16, 1937, at 11:00 A. M. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report of the Board of Adjustment was received:

November 24, 1937

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on November 23, 1937, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Board of Adjustment for its consideration a petition of Mr. S. R. Fulmore for Mr. E. F. Collins for a change in the Use designation of property located at the northwest corner of the intersection of East 1st Street and Perdenales Street, and being designated as the southwest one-half of the east one-half of Outlot 26, Division "O" of the City of Austin, from "A" Residence District where it is so designated to "C" Commercial District; and

WHEREAS, the Board of Adjustment at a meeting held on November 23, 1937, carefully considered the changing of the Use designation of this property, and has viewed the premises and carefully studied the conditions and development surrounding same and considered this change from all points of view from sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the Use designation of this property be changed from "A" Residence District to "C" Commercial District, and that the same be extended to include all the property between Canadian and Llano Streets,

East 1st Street, and the Industrial District to the north, which is now zoned as "A" Residence District, for the following reasons:

1. That this property is still acreage property and undeveloped with no definite use trend so far established, leaving its classification undetermined by any definite characteristics.
2. That its location between a commercial district on the south and an industrial district on the north, and the narrow width of the area render it more suitable for commercial development than residential.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman

It was moved by Councilman Wolf that a public hearing on the proposal of the City Council to amend the Zoning Ordinance so as to change the Use designation of the property recommended in the foregoing report of the Board of Adjustment be called for December 16, 1937, at 11:00 A. M. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

In accordance with published notice thereof, the public hearing called for this day on the proposal of the City Council to amend the Zoning Ordinance in the following particulars was opened:

To amend the "USE" designation of the property on the south side of West Sixth Street just east of the Missouri Pacific Railroad underpass track, so as to change same from "B" Residence District to "C" Commercial District, with the reservation that any building placed thereon shall be set back from the Sixth Street property line in accordance with the Height and Area regulations of the Second Height and Area District in which this property is situated, said property being more particularly described as follows: Lots 1 and 2, Block 2, Graham's Addition, in the City of Austin, Texas.

To amend the "USE" designation of the property fronting on West Mary Street in the City of Austin so as to change same from "A" Residence District to "C" Commercial District, said property being more particularly described as follows: Lot 10 and the re-subdivided lot taken out of the rear of Lots 9 and 10, Block M, Bouldin Addition.

The following written protest against the change in zoning of the property on the south side of West Sixth Street just east of the Missouri Pacific Railroad underpass track was received:

"Austin, Texas
November 9, 1937

Honorable Tom Miller, Mayor
Members of the City Council:

We, the undersigned residents and property owners of West 6th Street, enter this protest to a petition of one Dan P. Craddock to change the zoning of lot space designated in his petition as 1803-5-7 West 6th for the purpose of erecting a filling station.

Said station, even though built on a street level, would create a traffic hazard for a great many small children living west of this region, who have to use this route every day to and from Matthews School and find it necessary to walk because they have not the means to ride. The hazard is great enough now, with no sidewalks on either side of the street, without adding to it the erection of a filling station with its entrance and departure drives, located on the uphill from a railroad underpass.

There is also danger from the railroad, as frequent grass fires have resulted from sparks emitted from the engines on a heavy northbound pull. During certain periods of the year the weedburning apparatus is run up and down, throwing a flame several feet into the right-of-way. This summer one resident had her back fence and a lovely hedge burned, and the property was across the road from the right-of-way. Mr. Craddock's property immediately adjoins the right-of-way, making it doubly hazardous. And what about the vibration to a concrete structure so near the track?

We protest it from a property valuation standpoint. From Blanco Street west to the dam the property is entirely residential or civic-improved, and yet this man buys a small piece of ground which he knew to be of doubtful usage when he bought it and asks the Honorable Mayor and City Council to change the zoning to suit his individual needs, irrespective of the property rights of all others from blocks around.

It was hardly a year ago that petition was made to change the zoning in the next

block for the purpose of erecting a store, and this was refused on the ground that this was residential property and it was desired to keep it as such.

No one believes for an instant that the changing of the zone will render other property in the vicinity as a business neighborhood. On the other hand, the erection of this filling station will depreciate residence values. The future of this area for many years to come is as a residence district, especially when the dam is rebuilt.

Respectfully yours,

(Signed) Mrs. Ida May Mathews
 Mrs. Sutor
 W. R. Neville, Jr., 1710 West 6th St.
 Mrs. W. R. Neville, Jr. " " " "
 Miss Opal Virden
 Mrs. M. C. Engquist, 1727 West 6th St.
 M. C. Engquist " " " "
 Mrs. W. H. Dodson
 W. H. Dodson
 L. H. Ward
 L. D. Steffens
 F. J. Comte, 606 Patterson Avenue
 Mrs. F. J. Comte, 606 Patterson Avenue
 Louis Cherico, 1725 West 6th Street
 Dora Cherico " " " "
 Lucile Cherico " " " "
 J. A. McCutcheon
 Mrs. J. A. McCutcheon
 L. P. Miller
 H. A. Bresler
 Mrs. H. A. Bresler "

Mayor Miller moved that no change be made in the zoning of the property on the south side of West Sixth Street just east of the Missouri Pacific Railroad underpass track, more particularly described as Lots 1 and 2, Block 2, Graham's Addition, said property to remain as "B" Residence District. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

There being no protest against the change in zoning of the property fronting on West Mary Street from "A" Residence District to "C" Commercial District, Councilman Gillis moved that the City Attorney be instructed to prepare the proper ordinance changing the zoning of said property accordingly. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE FIXING AND ESTABLISHING
 THE WARD BOUNDARIES OF THE CITY OF
 AUSTIN FOR VOTING PURPOSES ONLY, AND
 REPEALING ALL ORDINANCES IN CONFLICT
 HEREWITH.

The ordinance was read the first time, and, upon motion of Councilman Wolf, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and, upon motion of Councilman Gillis, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and, upon motion of Councilman Gillis, the ordinance was finally passed by the following vote: Ayes, Councilman Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE DESIGNATING THE POLLING
 PLACES WITHIN NEWLY CREATED VOTING
 WARDS IN THE VARIOUS ELECTIONS TO BE
 HELD IN THE CITY OF AUSTIN DURING THE

TERM OF TWO YEARS, AND BEING CUMULATIVE OF, AND IN ADDITION TO, THE CERTAIN POLLING PLACES NAMED IN A CERTAIN ORDINANCE PASSED MARCH 4, 1937, AND RECORDED IN BOOK "K", PAGES 147-148, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN.

The ordinance was read the first time, and, upon motion of Councilman Wolf, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and, upon motion of Councilman Wolf, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and, upon motion of Councilman Wolf, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION JUDGES AND CLERKS TO SERVE AT CERTAIN POLLING PLACES WITHIN NEWLY CREATED VOTING WARDS IN THE VARIOUS ELECTIONS TO BE HELD IN THE CITY OF AUSTIN DURING THE TERM OF TWO YEARS.

The ordinance was read the first time, and, upon motion of Councilman Gillis, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and, upon motion of Councilman Gillis, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and, upon motion of Councilman Gillis, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE ORDERING AN ELECTION IN THE CITY OF AUSTIN, TEXAS, TO BE HELD ON JANUARY 4, 1938, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY OF AUSTIN FOR ADOPTION OR REJECTION A CERTAIN AMENDMENT TO ARTICLE I, SECTION 1, OF THE EXISTING CHARTER OF SAID CITY.

The ordinance was read the first time, and, upon motion of Councilman Gillis, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time, and, upon motion of Councilman Gillis, the rule was further suspended and the ordinance was passed to its third reading by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time, and, upon motion of Councilman Gillis, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in NORTH STREET from Upper Georgetown Road to Woodrow Avenue, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said North Street.

Said gas main shall have a covering of not less than 2½ feet.

(2) A gas main in CENTER STREET across Woodrow Avenue intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Center Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in SOUTH STREET across Upper Georgetown Road intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said South Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in SOUTH STREET across Woodrow Avenue intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said South Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in ORAN STREET from Upper Georgetown Road to Woodrow Avenue, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Oran Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in ORAN STREET across Upper Georgetown Road intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Oran Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in UPPER GEORGETOWN ROAD from West 47th Street to Baltimore Avenue, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Upper Georgetown Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in WOODROW AVENUE from Upper Georgetown Road to North Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Woodrow Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in KINNEY AVENUE from Heather Street north 76 feet, the centerline of which gas main shall be 20 feet east of and parallel to the west line of said Kinney Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(10) A gas main in HOLLYWOOD AVENUE north 64 feet from a point 117 feet north of the north line of Concordia Avenue, the centerline of which gas main shall be 12½ feet west of and parallel to the east line of said Hollywood Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(11) A gas main in HOLLY STREET westerly 80 feet from a point 77 feet west of the west line of Anthony Street, the centerline of which gas main shall be 26 feet south of and parallel to the north line of said Holly Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(12) A gas main in HASKELL STREET from Canadian Street westerly 144 feet, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said Haskell Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(13) A gas main in CANADIAN STREET from Haskell Street southerly 240 feet, the centerline of which gas main shall be 20 feet west of and parallel to the east line of said Canadian Street.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed in the name of the City of Austin to sell and convey by warranty deed to T. N. Cumming, for the consideration of Eight Hundred Dollars (\$800) cash, the following described property: Lot 5 of the Shoal Creek Boulevard Lots Addition to the City of Austin, as shown by the original plat of said Addition, and recorded in the Plat Records of Travis County, Texas.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following resolution was introduced:

WHEREAS, taxes are delinquent for the years 1931 to 1936, inclusive, assessed in the name of Mrs. W. F. Falwell on the west 1/2 acre, Lot (F), Outlot 59, Division B, Plat 36-B; and

WHEREAS, it is deemed equitable and advisable by the City Council to remit 1/2 of the interest thereon and the penalties for non-payment of said taxes when due; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the penalty amounting to \$8.74 and 1/2 of the interest, which such interest amounts to \$33.53, one-half thereof, which is hereby remitted, amounting to \$16,765.

The resolution was adopted by the following vote: Ayes, Councilmen Alford,

Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following resolution was introduced:

WHEREAS, the City taxes for the years 1931, 1932, 1933, 1934, and 1936 have been assessed in the name of Thomas F. Caldwell and are delinquent on Lot 9, Block 3-B, Swisher Division and the North 19.65 feet of Lot 2, Block 27, Swisher Division, in the City of Austin, Travis County, Texas, and taxes are also delinquent for said years on T. F. Caldwell Service Grocery, T. F. Caldwell Variety Store and T.F.Caldwell Drug Store; and

WHEREAS, the penalty for non-payment of said taxes when due is \$55.80, and it is deemed advisable by the City Council to remit said penalty on condition that said Thomas F. Caldwell pays \$100.00 per month on his tax account until the same is paid; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the penalty assessed for non-payment of said taxes amounting to the sum of \$55.80 is hereby remitted, on condition that said Thomas F. Caldwell pays \$100.00 per month on the delinquent taxes on said property, and when said taxes have been paid in full, the Tax Assessor and Collector is authorized and directed to accept, in full settlement of said taxes for the aforesaid years, said taxes, together with interest thereon, and to write off from his books the aforesaid penalty.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Upon motion, duly seconded and carried, the meeting was recessed at 11:20 A.M., subject to the call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Harris McKeen
City Clerk